

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

AUG 19 2019

Clerk, U S District Court
District Of Montana
Billings

BULL MOUNTAIN SANITATION,
LLC,

Plaintiff,

vs.

ALLIED WASTE SERVICES OF
NORTH AMERICA, LLC and
BAYSIDE DISPOSAL, INC.,

Defendants.

CV 18-147-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The Defendants filed a motion for judgment on the pleadings on November 9, 2018. (Doc. 11.) The United States Magistrate Judge filed Findings and Recommendations on July 31, 2019. (Doc. 23.) The Magistrate recommended the Defendants' motion be GRANTED in part and DENIED in part. (Doc. 23 at 1–2.)

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm


conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 23) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED:

1. Defendant’s Motion for Judgment on the Pleadings (Doc. 11) is **DENIED** as to Bull Mountain’s intentional interference with contract claims (Counts One and Four);
2. Defendants’ Motion for Judgment on the Pleadings (Doc. 11) is **DENIED** as to Bull Mountain’s abuse of process claims (Counts Two and Five); and
3. Defendant’s Motion for Judgment on the Pleadings (Doc. 11) is **GRANTED** without prejudice as to Bull Mountain’s malicious prosecution claim against Republic (Count Three), and **GRANTED** with prejudice as to Bull Mountain’s malicious prosecution claim against Bayside (Count Six).

DATED this 19th day of August, 2019.


SUSAN P. WATTERS
United States District Judge